

**REMARKS**

In the September 23, 2011 Office Action, it was noted that claims 18-21 and 24-35 are pending; claim 24 was rejected under the first paragraph of 35 U.S.C. § 112; and claims 18-21 and 24-35 were rejected under 35 U.S.C. § 103. In rejecting the claims, U.S. Patent Nos. 5,806,003 to Jolma et al.; 5,729,557 to Gardner et al.; 6,069,884 Hayashi et al.; 5,465,399 to Oberholtzer et al.; 5,485,486 to Gilhausen et al. and U.S. 6,366,779 to Bender et al. were cited. Claims 28 and 29 have been canceled and thus, claims 18-21, 24-27 and 30-35 are pending and under consideration. The rejections are traversed below.

**Rejection under 35 U.S.C. § 112, First Paragraph**

On page 2 of the September 23, 2011 Office Action, claim 24 was rejected under the first paragraph of 35 U.S.C. § 112 "as failing to comply with the written description requirement" due to an alleged lack of description of "another signal transmitted in the downstream direction is a training sequence signal" in the specification "in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

The Examiner's attention is directed to the sentence spanning pages 7 and 8 of the application as filed which states "[t]hese radio blocks for payload data transmission are composed of sections having data d in which sections having training sequences tseq1 through tseqK known at the reception side are embedded." Thus, it is submitted that one of ordinary skill in the art would have little difficulty understanding that the inventors, at the time the application was filed, had possession of the claimed invention as recited in claim 24. Therefore, withdrawal of the rejection under the first paragraph of 35 U.S.C. § 112 is respectfully requested.

**Rejection under 35 U.S.C. § 103**

On pages 2-6 of the September 23, 2011 Office Action, claims 18-20, 24-29 and 31-35 were rejected under 35 U.S.C. § 103 as unpatentable over Jolma et al.; Gardner et al.; Hayashi et al.; and Oberholtzer et al. All of the independent claims have been amended to incorporate limitations similar to claims 28 and 29. In rejecting claims 28 and 29, it was asserted that "the modified Jolman (sic) et al. disclose at least one auxiliary information is inserted into the signal sent in the downstream direction, this being employed by the mobile station for setting the transmission power (see Gardner, col.3 lines 50-63)." It will be assumed that "col.3 lines 50-63" refers to the last full paragraph in column 3 of Gardner et al., even though the line numbers as counted from the top of the column are considerably different.

The last full paragraph in column 3 of Gardner et al. states

[t]hus, if a mobile unit can determine the base station transmitter power and can estimate the power level the mobile unit itself is receiving, and if the mobile unit can determine what power level the base station needs to receive for acceptable performance, the mobile unit can determine the required mobile transmit power. In the CDPD standard, each base station broadcasts a quantity called the power product (PP), which is equal to  $P_{BT} \cdot P_{BR}$ . For a mobile unit to determine its appropriate transmit power simply requires measuring the received power at the mobile unit and performing a simple calculation. Accordingly, the inventive system determines if the transmitted error-correction encoded data is satisfactorily received by the base station, and if not, a lower code rate is selected for use by the mobile unit.

The preceding paragraph of Gardner et al. (which will be referred to as column 3, lines 28-46) defines  $P_{BT}$  as "the base station transmit power" (column 3, line 40), and  $P_{BR}$  as "the power level received at the base station" (column 3, lines 43-44). Thus, Gardner et al. describes transmitting from the base station to the mobile unit, the power product ( $PP = P_{BT} \cdot P_{BR}$ ), not the transmission power  $P_{BT}$  used by the base station.

On the other hand, claim 18, for example, has been amended to recite "sending, from the base station to the mobile station, information about base station transmission power used by the base station in a downstream direction" (lines 7-8) and "in the mobile station, setting a mobile station transmission power, dependent on the measured reception power and the information about the base station transmission power" (lines 9-10). It is submitted that the power product ( $PP = P_{BT} \cdot P_{BR}$ ) which Gardner et al. describes transmitting from the base station to the mobile stations does not constitute "information about base station transmission power" ( $P_{BT}$ ) used by the base station. No suggestion has been cited or found in Gardner et al. that the mobile station is aware of the value of the power level received at the base station ( $P_{BR}$ ), so that it can derive the base station transmission power ( $P_{BT}$ ) from the power product ( $PP = P_{BT} \cdot P_{BR}$ ) and use the base station transmission power in setting the mobile station transmission power, as now recited in claim 18.

Furthermore, nothing has been cited or found in any of the other references used to reject the claims that suggests sending the base station transmission power ( $P_{BT}$ ), instead of the power product ( $PP = P_{BT} \cdot P_{BR}$ ), from a base station to a mobile station and "setting a mobile station transmission power, dependent on the measured reception power and the information about the base station transmission power" as recited in claim 18. Therefore, it is submitted that claim 18, as well as claims 19-21, 24-27 and 30-32 which depend therefrom, patentably distinguish over the cited prior art.

Claim 33 has been amended to recite "a receiving unit receiving information about base station transmission power used by the base station in the downstream direction" (lines 9-10) and "setting the transmission power for the transmission of the access radio block to the base station dependent on the measured reception power and the information about the base station transmission power" (lines 15-18). In addition, claim 34 has been amended to recite "information about base station transmission power used by the base station in the downstream direction is sent from the base station to the mobile station and is employed by the mobile station for setting the transmission power" (last 3 lines). Also, claim 35 has been amended to recite "a receiving unit to receive information about base station transmission power used by the base station in the downstream direction" (lines 11-12) and "limit a transmission power of the access radio block before transmission of the access radio block, based on the information about the base station transmission power and the reception power of the broadcast signal transmitted by the base station" (lines 13-16). Therefore, it is submitted that claims 33-35 patentably distinguish over the cited prior art for reasons similar to claim 18.

#### Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 18-21, 24-27 and 30-35 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Richard A. Gollhofer  
Richard A. Gollhofer  
Registration No. 31,106

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501